



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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REVISED (corrected date)

July 20, 2012

To: All Department Heads  
From: William T Fujioka  
Chief Executive Officer

## REMINDER OF RISK EXPOSURE COST AVOIDANCE PLAN STATUS REPORT

The Board of Supervisors continues to be very focused on reducing exposures, claims, and litigation expense, as well as advancing risk management practices within each department. As indicated in my September 25, 2009 memo, each department is to create an annual Risk Exposure Cost Avoidance Plan (RECAP) that specifies the risk management objectives and the specific activities the department will implement.

### Deadlines

The FY2011-12 Status Report and the FY2012-13 RECAP are both due on **August 31, 2012**. Templates for both reports are attached (see Attachment I and Attachment II) and are also available on the CEO Risk Management Branch intranet site at: [http://riskmanagement.mylacounty.info/re\\_cap.asp](http://riskmanagement.mylacounty.info/re_cap.asp). Please note the RECAP template has changed slightly.

The reports should be submitted to:

Steven E. NyBlom, Acting Risk Manager  
Chief Executive Office  
Risk Management Branch  
3333 Wilshire Boulevard, Suite 820  
Los Angeles, CA 90010  
Fax No. (213) 252-0404  
Email: [snyblom@ceo.lacounty.gov](mailto:snyblom@ceo.lacounty.gov)

*"To Enrich Lives Through Effective And Caring Service"*

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### Objectives

The RECAP risk management objectives should be clearly stated, realistic, and achievable:

1. Project activities for each objective should identify measurable milestones that will be accomplished toward achieving the objective.
2. Milestone completion dates should be noted along with the final project completion date.
3. Multi-year RECAP objectives should have clearly defined annual goals.
4. Departments should consult with CEO Risk Management Branch, as well as Risk Management Coordinators from other departments, to identify best practices for programs in return-to-work, workers' compensation, safety, liability claims management, and other risk management functions.
5. RECAP objectives should, where appropriate, be tied to Department Heads' Management Appraisal and Performance Plan (MAPP) risk management goals.

The following are some suggested RECAP objectives:

1. Create a committee to oversee, coordinate, and review risk management functions (health and safety, workers' compensation, return-to-work) in the department.
2. Develop a data storage system for environmental, safety, facility inspections, and other types of risk management reports written by third parties or internally (Ensure the system is searchable and easy to use).
3. Implement a process of purchasing ergonomic equipment and conducting ergonomic evaluations on a proactive basis instead of relying on the workers' compensation system.
4. Implement an investigation process for all accidents.
5. Implement a vehicle use policy and comprehensive vehicle loss control program.
6. Develop a Vehicle Accident Review Committee and a Departmentwide Safety Committee.
7. Establish a system to track: 1) all costs associated with County vehicle maintenance and repairs, and 2) vehicle damage claims covered for mileage permittees.
8. Conduct quarterly reviews of all departmental claims/lawsuits and Countywide corrective action plans to determine if there are actions that can be implemented based on lessons learned.

9. Install global positioning systems in all County-owned vehicles to help track and monitor the vehicles.
10. Develop and implement a safety communication program.
11. Improve return-to-work results by implementing best practices and by using the new Absence Management System.

#### Data Availability

- Liability Claim Performance data (Section 1) is provided through the Cognos reports that are sent to each department shortly after the first of each month;
- Workers' Compensation Claim Performance data (Section 2) will be provided by the CEO Risk Management Branch once available (estimated distribution is August 1, 2012);
- Occupational Safety and Health Performance data (Section 3) and Vehicle and Fleet Safety Performance data (Section 4) are maintained at the department level;
- Department Cost of Risk (Section 5) includes department operating budget and data from Sections 1 and 2.

#### Additional Content

A new section has been added to the overview section of the report for each department to comment on safety staffing levels as compared to the Legal Exposure Reduction Committee "Evaluation of Department Safety Function" report. This report provides models on how the safety function can be staffed. The report is available at [http://riskmanagement.mylacounty.info/re\\_cap.asp](http://riskmanagement.mylacounty.info/re_cap.asp).

For assistance in developing your department's RECAP, please contact Steven E. NyBlom, Acting Risk Manager, at (213) 738-2214 or [snyblom@ceo.lacounty.gov](mailto:snyblom@ceo.lacounty.gov).

If you have any questions, please have your staff contact Ellen Sandt at (213) 974-1186 or [esandt@ceo.lacounty.gov](mailto:esandt@ceo.lacounty.gov).

WTF:EFS  
SN:mld

#### Attachments

c: Each Supervisor

**RISK EXPOSURE COST AVOIDANCE PLAN (RECAP)  
STATUS REPORT – FISCAL YEAR 2011-12  
(Due August 31, 2012)**

DATE	DEPARTMENT

Summary and Assessment of Results

*Include a summary of your department's activities and an assessment of your results.*

*Note: The first two columns from the table below are from your Fiscal Year 2011-12 RECAP, Part 8, Departmental Risk Management Objectives.*

<b>RISK MANAGEMENT OBJECTIVES</b>	<b>PROJECT ACTIVITY DESCRIPTION (INCLUDE RESPONSIBLE INDIVIDUAL)</b>	<b>PROJECT STATUS</b>
Include content from your FY 2011-12 RECAP	Include content from your FY 2011-12 RECAP	Add the current status of each activity

This status report should be submitted to:

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Chief Executive Office  
Risk Management Branch  
3333 Wilshire Boulevard, Suite 820  
Los Angeles, CA 90010

Fax No. (213) 252-0404  
Email: [snyblom@ceo.lacounty.gov](mailto:snyblom@ceo.lacounty.gov)

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Risk Management Guidelines**

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**Risk Exposure Cost Avoidance Plan (RECAP)**

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**Purpose**

The Risk Exposure Cost Avoidance Plan (RECAP) is intended to provide County of Los Angeles (County) departments' management with an objective method to evaluate its risk management program, including liability claims, occupational safety, and workers' compensation claim performance. In addition, RECAP provides County departments with a systematic risk management planning process. The program involves the development and implementation of an annual risk management and occupational safety/liability loss control planning and objective completion tracking tool.

**General Information**

RECAPs are prepared each fiscal year and consist of three principal parts: 1) Overview of Department Risk Management Program; 2) Statistical Goals; and 3) Risk Management Objectives, including project descriptions with target completion dates.

The following should be considered when preparing an annual RECAP:

- Identify critical risk management issues that result in liability or employee-related loss. Departments should utilize information provided in the department's Risk and Needs Assessment prepared by the Chief Executive Office (CEO) Risk Management Branch.
- Develop three to five objectives with appropriate, clearly defined project activity description(s).
- Resolve identified risk management issues within the department.
- Focus on routine or maintenance-type projects/activities (i.e., monthly inspections, monthly safety meetings, etc.) only if there is a need to restructure the project activities to improve performance.
- Approval from senior management of each plan and mid-year performance reviews by senior management evaluating results versus plan objectives.

Submit an annual RECAP plan and status report to the CEO Risk Management Branch.

Statistical goals must demonstrate plan effectiveness to be evaluated according to the successful completion of these objectives.

CEO Risk Management Branch staff is available for assistance in completing RECAPs.

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**RECAP**

**Risk Management Cost Reduction Planning Program**

Fiscal Year:

Department:

**APPROVALS:**

\_\_\_\_\_  
Risk Management Coordinator

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**RECAP**

**Overview of Department Risk Management Program**

Fiscal Year:

*Insert content*

Evaluation of Safety (Loss Prevention) Staffing Levels

*Insert content about departmental safety staffing level based on a review of the Legal Exposure Reduction Committee, Classification Studies Subcommittee report titled "Evaluation of Department Safety Function."*

Attach additional pages if necessary.

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**RECAP**

**Performance Data and Statistical Goals/Trends**

Fiscal Year (FY)

**1. Liability Claim Performance**

Measure	Actual FY (        )	Actual FY (        )	Actual FY (        )	3-Year Average
Total number of all claims. <sup>1</sup>				
Number of General Liability claims.				
Total indemnity (OC) paid <sup>2</sup> for General Liability claims.				
Total legal fees and costs (SS) paid <sup>2</sup> for General Liability claims.				
Number of Vehicle Liability claims.				
Total indemnity (OC) paid <sup>2</sup> for Vehicle Liability claims.				
Total legal fees and costs (SS) paid <sup>2</sup> for Vehicle Liability claims.				
Number of Medical Malpractice claims.				
Total indemnity (OC) paid <sup>2</sup> for Medical Malpractice claims.				
Total legal fees and costs (SS) paid <sup>2</sup> for Medical Malpractice claims.				
Total indemnity (OC) paid <sup>2</sup> for all claims.				
Total legal fees and costs (SS) paid <sup>2</sup> for all claims.				
Total Outstanding Liability (total reserves) for all claims.				

1. Number of claims is the total of all claims (including all suffixes) entered into the Risk Management Information System (RMIS) during the fiscal year.
2. Total paid is based on transaction dates within each fiscal year as listed in RMIS.

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**2. Workers' Compensation Claim Performance**

Measure	Actual	Actual	Actual	3-Year Average
	FY ( )	FY ( )	FY ( )	
Number of new Workers' Compensation claims filed during the period.				
Total Workers' Compensation expense paid during the period.				
Total paid for Salary Continuation/Labor Code 4850 during the period.				
Number of employees <sup>1</sup> as of June 30.				
Workers' Compensation Claim Report Rate (number of claims reported per 100 employees) for the period.				

1. Number of employees is the sum of currently filled full-time and part-time positions.

**3. Return-to-Work Performance (industrial and non-industrial cases)**

Measure	Actual	Actual	Actual	3-Year Average
	FY ( )	FY ( )	FY ( )	
Number of active return-to-work cases as of June 30.				
Number of cases closed in the prior year.				
Number of employees on work hardening transitional assignment agreements as of June 30.				
Number of employees on conditional assignment agreements as of June 30.				

**4. Occupational Safety and Health Performance (Cal/OSHA defined; industrial cases only)**

Measure	Actual	Actual	Actual	3-Year Average
	CY <sup>1</sup> ( )	CY ( )	CY ( )	
Total number of cases with days away from work <sup>2</sup> .				
Total number of cases with job transfer or restriction <sup>2</sup> .				
Total number of other recordable cases <sup>2</sup> .				
Total number of days of job transfer or restriction <sup>2</sup> .				
Total number of days away from work <sup>2</sup> .				
Number of deaths <sup>2</sup> .				
Total OSHA Incident Rate (Incidence Rate for all recordable cases of injury and illness) <sup>3</sup> .				
Lost Workday Incident Rate.				

1. The OSHA recordkeeping process is based on Calendar Year (CY).
2. This information is available from the Departmental OSHA 300 log(s).
3. Can be calculated using the Cal/OSHA Form titled: *Calculating Injury and Illness Incidence Rates*.

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**5. Vehicle and Fleet Safety Performance**

Measure	Actual FY (       )	Actual FY (       )	Actual FY (       )	3-Year Average
Number of Department-owned vehicles as of June 30.				
Total number of vehicle accidents involving Department-owned (or leased) vehicles.				
Number of <b>preventable</b> vehicle accidents involving Department-owned (or leased) vehicles.				
Number of <b>non-preventable</b> vehicle accidents involving Department-owned (or leased) vehicles.				
Total cost paid for damage involving Department-owned (or leased) vehicles (not including third party claim/damage cost).				
Number of miles driven by Department-owned (or leased) vehicles.				
Number of vehicle accidents involving Department-owned (or leased) vehicles per 100,000 miles.				
Number of Department permittee drivers as of June 30.				
Total number of vehicle accidents involving permittee drivers.				
Number of <b>preventable</b> vehicle accidents involving permittee drivers.				
Number of <b>non-preventable</b> vehicle accidents involving permittee drivers.				
Total cost paid for damage involving vehicles driven by permittee drivers (not including third party claim/damage cost).				
Number of permittee miles driven during period.				
Number of vehicle accidents involving permittee drivers per 100,000 miles.				

Note: Preventable versus non-preventable determination can be made by a vehicle accident review committee or similar group.

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**6. Department Cost of Risk**

<b>Measure</b>	<b>Actual FY (       )</b>	<b>Actual FY (       )</b>	<b>Actual FY (       )</b>	<b>3-Year Average</b>
Department operating budget.				
Total Workers' Compensation expense paid during the period.				
Total Liability cost paid during the period.				
Total Salary Continuation/Labor Code 4850 cost paid during the period.				
Total Workers' Compensation, Liability, and Salary Continuation/Labor Code 4850 cost paid during the period.				
Cost of Risk (% total paid/operating budget).				

**7. Department Cost Reduction Goal**

**Reduction goal category:**

The cost reduction goal category can be based on a reduction in: 1) Total Liability cost paid; 2) Total Workers' Compensation cost paid; 3) Total Cost of Risk; or 4) Any other specific category.

<b>Measure</b>	<b>Percentage Cost Reduction Goal</b>	<b>Cost Reduction Goal</b>
<b>Far Exceeds Expectations</b>		
<b>Exceeds Expectations</b>		
<b>Meets Expectations</b>		

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**8. Department Risk Management Objectives**

<b>Department:</b>			
<b>RISK MANAGEMENT OBJECTIVES</b>	<b>PROJECT ACTIVITY DESCRIPTION</b>	<b>RESPONSIBLE INDIVIDUAL</b>	<b>PROJECT COMPLETION DATE</b>

**Attach additional pages if necessary.**

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**RECAP  
Department A  
FY 2009-10**

**SAMPLE RISK MANAGEMENT OBJECTIVES**

<b>RISK MANAGEMENT OBJECTIVES</b>	<b>PROJECT ACTIVITY DESCRIPTION (INCLUDE RESPONSIBLE INDIVIDUAL)</b>	<b>PROJECT COMPLETION DATE</b>
Establish a risk management performance data collection process.	Department Risk Management Coordinator will work with department finance and operations management to develop, track, and report key risk management data to executive management on a monthly basis. Performance data to include safety, workers' compensation, liability claims, and vehicle safety measures.	Monthly report will be developed, approved, and distributed by <b>December 1, 2009</b> (for October 2009 period).
Develop and conduct supervisor/manager risk management training for all departmental supervisors and managers.	Department Risk Management Coordinator will work with CEO Risk Management, County Counsel, and the Department of Human Resources to implement system-wide risk management training for all effected supervisors and managers.	Initial training (20% of identified participants) will be conducted by <b>January 1, 2010</b> , with 80% of the identified participants trained by <b>May 31, 2010</b> .
Conduct a comprehensive risk management staffing/function evaluation.	Assigned departmental manager (Administrative Deputy or Chief Deputy) will work with CEO Risk Management to draft a staffing review scope and conduct a detailed evaluation of departmental risk management resources.	Study will be completed and reported to Department Director and Deputy Chief Executive Officer by <b>April 1, 2010</b> .
Develop and implement a comprehensive fleet safety program within the department.	Assigned manager will evaluate the departmental vehicle/fleet exposure and draft/implement a Departmentwide fleet safety program.	Fleet safety program will be drafted and approved by Department Head by <b>November 1, 2009</b> . Approved program will be implemented for affected drivers by <b>June 30, 2010</b> .

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**10. Performance Data and Statistical Goal Definitions**

Liability Claim:	A document submitted by a third party in accordance with statutory requirements, and alleging personal injury, bodily injury, property damage, or other losses sustained due to the acts or omissions of the County, its employees, officers, or agents. This is the total number of open/closed claims that were filed during the period. A claim includes all lawsuits and claims, but does not include incident reporting, unless a claim is opened as a result of the incident report.
General Liability Claim:	Claim arising when negligent acts and/or omissions result in bodily injury and/or property damage on the premises of a business, when someone is injured as the result of using the product manufactured or distributed by a business, or when someone is injured in the general operation of a business.
Vehicle Liability Claim:	Claim arising from negligent operation of a motor vehicle involving third party damage to property and/or people.
Medical Malpractice Claim:	Claim arising from professional negligence by act or omission by a health care provider in which care provided deviates from accepted standards of practice in the medical community and causes injury <i>or death</i> to the patient.
Indemnity Cost (OC):	Amount of money paid to compensate claimants and/or plaintiffs for damages, including <u>their</u> attorney fees and cost that are paid by the County. Cost listed as (OC) in RMIS.
Legal Fees and Costs (SS):	Amount of money paid for defense counsel (in-house and/or panel attorney) for claims that are paid by the County. Cost listed as (SS) in RMIS.
Total Paid:	This is the actual amount of money paid on a claim during the reporting period. This is not the amount agreed to or discussed in settlement, but the actual amount of money disbursed on the claim, including both indemnity (OC) and legal fees and costs (SS).
Total Outstanding Liability:	Total outstanding cost (reserves) for all liability claims at a point in time.
Workers' Compensation Claim:	Claim filed by Department employee for injury and/or illness that arose out of the course and scope of employment, and provides compensation and medical care for employees who are injured in the course of employment, in exchange for mandatory relinquishment of the employee's right to sue his or her employer for the tort of negligence.
Salary Continuation/Labor Code 4850:	Supplemental salary replacement benefits paid in excess of indemnity benefits provided by the workers' compensation system according to County Code or State of California law.

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Active Return-to-Work Case:	Employee is off work due to a disability. Employee is working in a transitional modified/alternative position or conditional modified/alternative position. Employee is working in permanent modified/alternative position that requires monitoring to ensure the accommodation is working. Any situation where the department determines risk exposure requires ongoing action or monitoring.  <b>Additional information about return-to-work can be found in the Return-to-Work Desk Reference Manual at <a href="http://ceo.lacounty.gov/RTW/rtw_default.htm">http://ceo.lacounty.gov/RTW/rtw_default.htm</a>.</b>
Return-to-Work Cases Closed:	Employee has returned to usual and customary position with or without work restriction (and department has no risk exposure concerns). Employee has returned to a permanent modified/alternative position and has demonstrated the ability to accommodate the assignment.
Work Hardening Transitional Assignment Agreement:	An agreement between the employer and employee that allows an employee to return to work in an assignment, performing functions other than those usually assigned and is intended to allow an employee the opportunity to recover from their injury/illness while continuing to work. This agreement is temporary and can be revisited every 12 weeks, up until the employee becomes Permanent and Stationary (P&S) or has achieved Maximum Medical Improvement (MMI).
Conditional Assignment Agreement:	A temporary assignment utilized when the department is conducting a Departmentwide or Countywide search for a compatible position. This status is determined when an employee with an Industrial Injury/Illness becomes Permanent and Stationary (P&S) or has reached Maximum Medical Improvement (MMI); or an employee with a Non-Industrial Injury/Illness obtains a work restriction (either temporary or permanent). If a position cannot be identified within the employee's department, then a Countywide Job Search shall be conducted.
OSHA Recordable Injury:	Occupational injury or illness that requires medical treatment, more than simple first aid, which must be reported on the OSHA 300 log.
OSHA Lost Workday Injury:	The number of workdays (consecutive or not) on which the employee would have worked but could not because of occupational injury or illness.
OSHA Total Incident Rate:	Number of recordable injuries and illnesses occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one year).
Lost Workday Incident Rate:	Number of injuries and illnesses resulting in lost workdays occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one year).
Vehicle Accident:	An accident involving a Department-owned/leased vehicle and/or a permittee-owned vehicle (including drivers classified as occasional drivers) that resulted in damage or any other type of loss to persons, property, etc.

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Department-Owned/Leased Vehicles:	Vehicles driven by County employees owned or leased by the Department or County. These are not the drivers' personal vehicles.
Number of Miles Driven During Period:	Actual number of miles driven by Departmental drivers for County-related activity (course and scope of work).
Permittee Driver:	County employee who is participating in the County permittee driver program and is certified/approved to drive a non-Department-owned vehicle for work purposes.
Risk Management Information System (RMIS):	The County's risk management and claims administration management system with ad-hoc reporting capabilities, which supports County claims administration, financial, statistical, and loss prevention functions.
Cost of Risk:	Percentage of Total Paid/Department Operating Budget.
Preventable Accident:	An accident in which the driver did not use all reasonable precautions in attempting to prevent the accident, regardless of any legal rights. Failure to report mechanical defects, when known, is cause for finding an accident preventable. If an accident results, even indirectly, from a violation of the California Vehicle Code, it is classified as preventable.
Non-Preventable Accident:	An accident in which the employee exercised good judgment and used every reasonable means to avoid the accident. No violations of defensive driving practices must have been involved, and there must have been proper use of the vehicle as prescribed by the California Vehicle Code and County and departmental policies.

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